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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,975	08/08/2001	Franz Astleitner	112740-268	3146
29177	7590	03/28/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			HSU, ALPUS	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/924,975

Applicant(s)

ASTLEITNER ET AL.

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 5-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 5-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/8/01, 6/18/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to **a single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. Claims 5-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 4. See MPEP § 608.01(n). Accordingly, the claims 5-11 have not been further treated on the merits.

3. Claims 1-4, 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 1, 12-14, the term of "and/or" should be changed to either "and" or "or" only to avoid the ambiguity.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Brumm et al. in Pub. No. US 2002/0054590 A1.

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Referring to claim 1, Brumm et al. discloses a method for transmitting control information between a line-switching and a packet-switching communications network, comprising the steps of: converting signaling messages which are used in the line-switching network and contain control information into signaling packets which are used in the packet-switching communications network and contain control information, and vice versa (see paragraph [0028] lines 1-6); setting up a signaling connection for transmitting signaling packets, which form connection-independent control information which relates to at least one service feature in the line-switching communications network, in the packet-switching network in order to use the at least one service feature of the line-switching communications network in the packet-switching communications network by means of the control information, independently of the connection (see paragraph [0028] lines 8-16, paragraph [0029] lines 1-10).

Referring to claim 2, Brumm et al. discloses the method further comprising the step of integrating the at least one control information item which relates to a service feature in the line-switching communications network into at least one signaling packet which initiates the setting up of a signaling connection (see paragraph [0003] lines 4-9, paragraph [0020] lines 2-8).

Referring to claim 12, Brumm et al. discloses a control unit (14) for conversion of signaling messages which are used in a line-switching communications network and contain control information to signaling packets which are used in a packet-switching communications network and contain control information, and vice versa, the control unit is arranged at the transmitter or receiver end of a signaling connection which is set up in the packet-switching communications network for transmitting signaling packets, and having a module for integration and extraction of connection-independent control information, which relates to at least one

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service feature in the line-switching communications network, into and out of the signaling packets to be transmitted (see paragraph [0028] lines 1-16, paragraph [0029] lines 1-10).

Referring to claim 13, Brumm et al. discloses a communication device (14) arranged in a line-switching communications network, the communication device comprising a module for integration and for extraction of connection-independent control information which relates to at least one service feature in the line-switching communications network into and out of signaling packets to be transmitted (see paragraph [0028] lines 1-16, paragraph [0029] lines 1-10).

Referring to claim 14, Brumm et al. discloses a communications terminal (14), arranged in a packet-switching communications network, the communications terminal comprising a module for integration and for extraction of connection-independent control information which relates to at least one service feature in the line-switching communications network into and/or out of signaling packets to be transmitted (see paragraph [0028] lines 1-16, paragraph [0029] lines 1-10).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brumm et al. in Pub. No. US 2002/0054590 A1 in view of Dunn et al. in U.S. Patent No. 6,324,280.

Referring to claims 3 and 4, Brumm et al. differs from the claims in that it fails to disclose a further step of acknowledging the reception of the at least one signaling packet (H.225 SETUP) which initiates the setting up of a signaling connection and the step of setting up of a signaling connection is initiated after receiving an acknowledgement, after a defined time interval has passed, or after a defined number of signaling packets have been transmitted. Both features are well known in the art and commonly used in data communication for error detection and correction purposes.

Dunn et al., for example, from the similar field of endeavor, teaches the claimed features of acknowledging the reception of the at least one signaling packet which initiates the setting up of a signaling connection and the step of setting up of a signaling connection is initiated after receiving an acknowledgement, after a defined time interval has passed, or after a defined number of signaling packets have been transmitted (see column 4, lines 5-49), which can be easily adopted by one of ordinary skill in the art to implement into the method of Brumm et al. to provide error detection/correction control in Brumm et al. to further improve the system reliability and efficiency.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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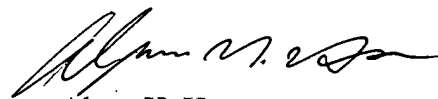
Rao et al., Su et al., and Vo et al. are all cited to show the common feature of telephony over packet-switched network utilizing signaling message transmission and translation/conversion similar to the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu  
Primary Examiner  
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